THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition (M/S) No. 200 of 2006

1. Chintamani Barathwal S/o Sri Shanti Ram Barathwal
   R/o Village Haripur Kalan District- Dehradun.
2. Maheshanand Barathwal Late Sri Shaligram Barathwal
   R/o Village Motichur Haripur Kalan Raiwala,
   District- Dehradun.
3. Suresh Uniyal S/o Sri Baijnath Uniyal
   R/o Village Motichur Haripur Kalan Raiwala, District
   Dehradun.
4. Sita Ram Joshi S/o Sri Hriday Ram Joshi, R/o Village Haripur
   Kalan, District- Dehradun.
5. Subhash Dabral S/o Late Sri Ishwari Dutt R/o Village Haripur
   Kalan, District- Dehradun.
6. Hoshiyar Singh Aswal S/o Sri Mohan Singh Aswal
   R/o Village Haripur Kalan, District- Dehradun.
7. Sohan Lal Kukreti S/o Sri Chawaru Ram R/o Nai Basti Haripur
   Kalan, Raiwala, District- Dehradun.
8. Visheshwar Gwari S/o Sri Lokmani R/o Motichur Haripur
   Kalan, District- Dehradun.
9. Madan Mohan Gaur S/o Sri Mohan Lal Gaur R/o Village and
   Post Haripur Kalan Raiwala, District- Dehradun.
10. Sarveshwar Gaur S/o Sri Pitamber Dutt Gaur R/o Village
    Haripur Kalan Raiwala, District- Dehradun.
11. Rishi Raj Kukreti S/o Sri Ram Kishore Kukreti
    R/o Village Haripur Kalan, District- Dehradun.
12. Arvind Kumar Bahuguna S/o Sri Govind Prasad Bahuguna
    R/o Village Haripur Kalan, District- Dehradun.
13. Raja Bhatt S/o Sri Sita Ram Bhatt R/o Village Haripur Kalan,
    District- Dehradun.
14. Satya Prakash Jakhmola S/o Sri Mahanand Jakhmola
    R/o Village Haripur Kalan, District- Dehradun.
15. Shailendra Kumar Goswami S/o Sri Vrindavan Goswani
    R/o Village Haripur Kalan, District- Dehradun.
16. Daulat Singh Rawat, S/o Sri Tulsi Singh Rawat,
    R/o Village Haripur Kalan, District- Dehradun.
17. Chait Singh Rawat S/o Sri Bhav Singh Rawat
    R/o Himalayan Colony Haripur Kalan, District- Dehradun.
18. Mahanand Rana Koti S/o Sri Kulanand Rana Koti
    R/o Himalayan Colony Haripur Kalan, District- Dehradun.
19. Vishambher Singh Chauhan S/o Sri Alekh Singh Chauhan
    R/o Himalayan Colony Haripur Kalan, District- Dehradun.
20. Prem Chandra Bahukhandi S/o Sri Sadanand Bahukhandi
    R/o Haripur Kalan, District- Dehradun.
21. Ganga Dutt Pandey S/o Sri Bishan Dutt Pandey
    R/o Motichur Haripur Kalan, District- Dehradun.
22. Jai Prakash Bhatt S/o Sri Tula Ram Bhatt
    R/o Haripur Kalan, District- Dehradun.
23. Shivdutt Kandpal S/o Sri Narayan Dutt Kandpal
    R/o Haripur Kalan Raiwala, District- Dehradun.

24. Vijendra Kumar Gupta S/o Sri Guljari Lal Gupta
R/o Himalayan Colony, Haripur Kalan, District- Dehradun.
25. Heeranand Dhyani S/o Sri Chandi Prasad Dhyani
R/o Haripur Kalan, Raiwala, District- Dehradun.
26. Jagat Ram Raturi S/o Sri Vidhya Dutt Raturi,
R/o Himalayan Colony, Haripur Kalan, District- Dehradun.
27. Ram Lal Bhatt S/o Sri Bali Ram Bhatt, R/o Haripur Kalan,
Raiwala, District- Dehradun.
28. Sohan Lal Sharma S/o Sri Rameshwar Prasad,
R/o Himalayan Colony, Haripur Kalan, District- Dehradun.
29. Satyaprakash Dhyani S/o Sri Chand Prasad Dhyani
R/o Haripur, Kalan, Raiwala, District- Dehradun.
30. Udhav Prasad S/o Sri Om Prasad,
R/o Haripur Kalan, District- Dehradun.
31. Manoj Jakhmola S/o Sri Mahanand Jakhmola
R/o Harpur Kalan, District- Dehradun.
32. Vinay Raturi S/o Sri Vidhya Dutt Raturi
R/o Himalayan Colony, Haripur Kalan, District- Dehradun.
33. Meena Raturi D/o Sri Vinay Raturi, R/o Himalayan Colony,
Haripur, Kalan, District- Dehradun.
34. Vimal Kandwal S/o Sri Bhairav Dutt Kandpal
R/o Haripur Kalan, Distirct- Dehradun.
35. Ram Prasad Lakhera S/o Sri Mahanand Lakhera
R/o Haripur Kalan, District- Dehradun.
36. Ashok Sundariyal S/o Sri Vilas Sundriyal
R/o Haripur Kalan, District- Dehradun.
37. Surendra Dutt Joshi S/o Late Sri Govind Ram
R/o Haripur Kalan, District- Dehradun.
38. Dheeraj Singh S/o Sri Dhani Ram
R/o Haripur Kalan, District- Dehradun.
39. Gaje Singh Negi S/o Sri Shekhar Singh Negi
R/o Haripur Kalan, District- Dehradun.
40. Jai Prakash Bhatt S/o Sri Sita Ram Bhatt
R/o Haripur Kalan, District- Dehradun. … **Petitioners.**

Versus

1. District Inspector of Schools, District- Dehradun.
2. Officiating Manager, Swami Satyamitranand Giri
Intermediate College, Haripur Kalan, District- Dehradun.
3. Treasure of Committee of Management Swami
Satyamitranand Giri
Intermediate College, Haripur Kalan, District- Dehradun.
4. Joint Director of Education (Regional) District- Dehradun.
5. Director of Education District- Dehradun. … **Respondents.**

Sri Sharad Sharma, learned counsel for the petitioner.
Ms. Mamta Bisht, Brief Holder of learned standing counsel for the respondent no.1.

Dated 07-03-2006.

Hon'ble B.S. Verma, J.

Heard Sri Sharad Sharma, learned counsel for the petitioners and Ms. Mamata Bisht, holding brief of learned Standing Counsel for the State.

By means of this writ petition, the petitioners have prayed for issue of a suitable direction to the respondent no. 3, i.e. Treasurer Committee of Management, Swami Satyamitranand Giri Intermidiate College, Haripur Kalan Raiwala, Dehradun to forward the applications of the petitioners as contained in Annexure No. 1, to respondent no.2 for their membership of Sadharan Sabha.

The contention of the petitioners is that they have moved their respective applications before the Committee of Management as provided under Clause 7 of the Scheme of Administration as approved by the District Administration of Scheme, who is empowered to approve the scheme under Section 16A of the Intermediate Education Act. The institution is operating under grant-in-aid policy and as per bye-laws, the members, who have been inducted prior to six months of the election are entitled to vote under Sub-Clause 2 of Clause-4 of the Scheme.

The stand taken by the petitioners is that under the scheme of administration for a person for a person to be inducted as a member of Sadharan Sabha the aforesaid provisions are to be complied with and the applicants have to apply in writing along with the draft of Rs. 101/- before the Committee of Management. The said membership fee was to be considered as to be a valid fee for a period of three years. The contention of the petitioners is that they have complied with the conditions of sub-clause (2) of Clause 4 and moved applications along with the requisite draft in favour of committee of management to be inducted as Members of the Sadharan Sabha.

Since the respondents have not taken any decision on the applications moved by the writ petitioners in spite of several

reminders and representations made to the respondents, the petitioners have come up before this Court.

The learned counsel for the petitioners has submitted that this Court has passed an order dated 27-6-2005 in Writ Petition No. 653 (M/S) of 2005, Rajendra Prasad Gauniyal Vs. D.I.O.S. Dehradun and others. It has been stated that the present writ petition is squarely covered by the said order of this Court.

I have perused the earlier order dated 27-6-2005 passed in Writ Petition No. 653 (M/S) of 2005. The instant case of the petitioner is identical to the facts of the aforesaid case of Rajendra Prasad Gauniyal.

In the facts and circumstances of the case, I direct the respondent nos. 2 and 3 to take early decision on the applications of the petitioners as contained in Annexure No.1 to the writ petition within a period of one month from the date of production of certified copy of this order.

With this direction, the writ petition is disposed of finally.

Dated: 07-03-2006. **(B.S. Verma, J.)**
RCP